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EXAMINER

UBER, NATHAN C

ART UNIT	PAPER NUMBER
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3622

NOTIFICATION DATE	DELIVERY MODE
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ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.		Applicant(s)	
	10/599,606		LEE ET AL.	
	Examiner		Art Unit	
	NATHAN C. UBER		3622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 6, 7 and 10-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☒ Claim(s) 16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>03 October 2006</u> . | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Status of Claims

1. This action is in reply to the national stage entry application filed on 03 October 2006.
2. Claims 1-3, 6, 7, 10, 12-14 and 17 were amended by preliminary amendment 08 November 2006.
3. Claim 18 was added by preliminary amendment 08 November 2006.
4. Claims 4, 5, 8 and 9 were canceled by preliminary amendment 08 November 2006.
5. Claims 1-3, 6, 7 and 10-18 are currently pending and have been examined.

Claim Objections

6. Claim 16 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim, or amend the claim to place the claim in proper dependent form, or rewrite the claim in independent form. This claim is interpreted as a dependent claim because it references a previous claim. However, this claim is an improper dependent because it is a different statutory class of invention from the referenced claim and because it fails the infringement test. A reasonable interpretation of this claim is a paper document containing code. Such a *computer readable record medium* may be infringed without ever infringing the method of claim 1 because infringing a method claim requires practicing the method; simply creating a *computer record medium* with code does not require actually practicing or implementing the method.

Claim Rejections - 35 USC § 101

7. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.
8. Claim 17 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Although claim 17 is directed to a "system" which is a statutory class of

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invention, the limitations of the claim do not disclose a list of structural components, but rather a list of software components (database, module, etcetera). Under a broadest reasonable interpretation standard, this claim is directed to purely software. Software is *per se* not statutory under 35 U.S.C. 101 because software is not one of the enumerated statutory classes of invention. Therefore this claim is rejected because it is interpreted as purely software which is not a statutory class of invention.

9. Claims 1-3, 6, 7, 10-16 and 18 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Based on Supreme Court precedent, a method/process claim must (1) be tied to another statutory class of invention (such as a particular apparatus) (see at least *Diamond v. Diehr*, 450 U.S. 175, 184 (1981); *Parker v. Flook*, 437 U.S. 584, 588 n.9 (1978); *Gottschalk v. Benson*, 409 U.S. 63, 70 (1972); *Cochrane v. Deener*, 94 U.S. 780, 787-88 (1876)) or (2) transform underlying subject matter (such as an article or materials) to a different state or thing (see at least *Gottschalk v. Benson*, 409 U.S. 63, 71 (1972)). A method/process claim that fails to meet one of the above requirements is not in compliance with the statutory requirements of 35 U.S.C. 101 for patent eligible subject matter. Here claim 1-3, 6, 7, 10-16 and 18 fail to meet the above requirements because they are not tied to a second statutory class of invention.

Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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- 11. Examiner's Note:** The Examiner has pointed out particular references contained in the prior art of record within the body of this action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply. Applicant, in preparing the response, should consider fully the entire reference as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.
- 12.** Claims 1, 10, 16 and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Cassidy at al. (U.S. 7,107,226 B1).

Claim 1:

Cassidy, as shown, discloses the following limitations:

- *maintaining a goods information database, the goods information database for storing least one search listing, the search listing including seller identification information and selling price information (see at least column 5, line 42, "database of goods and/or services" see also Figure 7, search results listing good by price and vendor),*
- *receiving a search request for goods from a searcher (see at least column 7, line 37, "buyer can search the database"),*
- *providing a search result list of the goods in response to the search request for the goods, the search result list of the goods including the search listings (see at least Figure 7, an example of search results),*
- *detecting a click-through by the searcher of one of the provided search listings for the goods (see at least column 9, lines 51-52, "a direct transactional link is established between the product supplier and the purchaser," the system records this for order/billing, but also for compensating the system a commission on the sale),*

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- *in response to the detected click-through, generating and storing total selling price information during a first predetermined period by referring to selling price information included in the selected search listing (see at least column 9, lines 35-36, the order is stored in user's order history),*
- *generating advertising costs of selling price for each seller based, at least in part, upon a predetermined selling commission rate and the stored total selling price information (see at least column 7, lines 31-32, commission price generated based on commission rate and sales generated).*

Claim 10:

Cassidy, as shown, discloses the following limitations:

- *maintaining a user information database, the user information database for storing basic personal information on a plurality of searchers (see at least column 8, lines 29-36, user personal information is stored as registration information),*
- *in response to a predetermined login request received from the searcher, authenticating the searcher by referring to the user information database (see at least Figure 2, login and authentication),*
- *in response to the received click selection, generating detailed search information on goods associated with the selected search listing and storing the same in the user information database (see at least column 14, lines 35-37, the shopping cart maybe retained in the database whether or not the user proceeds to checkout and buys its contents, see also column 15, lines 35 saving a shopping cart as a template).*

Claim 16:

Cassidy, as shown, discloses the following limitations:

- *A computer readable record medium recording a program for implementing the method according to claim 1 (see at least column 18, lines 56-65,*

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generally describing the underlying software that permits the various interfaces to interact with the database).

Claim 18:

Cassidy, as shown, discloses the following limitations:

- *sorting the at least one search listing in accordance with a predetermined criterion base on selling price information of the search listing (see at least Figure 7, search results are sorted by price - least expensive item first).*

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

15. Claims 2, 3, 6, 7, 11-15 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cassidy at al. (U.S. 7,107,226 B1) in view of Cheung et al. (U.S. 7,043,471 B2).

Claim 2:

Cassidy discloses the limitations as shown in the rejection above. Further, Cassidy, as shown, discloses the following limitations:

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- *storing the detected click-through information of the selected search listing for each seller during the first predetermined period (see at least column 9, lines 51-52, “a direct transactional link is established between the product supplier and the purchaser,” the system records this for order/billing, but also for compensating the system a commission on the sale),*

Although Cassidy discloses tracking customer order history and remembering shopping cart contents whether or not the customer makes a purchase, Cassidy does not specifically disclose a cost-per-click billing strategy. However, Cheung, as shown, discloses the following limitations:

- *generating cost-per-click information in accordance with a predetermined unit click cost and the detected click-through information (see at least column 23, lines 31-32),*
- *providing estimated advertising costs for each seller with respect to a second selling period, based on the advertising costs of selling price and the cost-per-click information (see at least column 23, lines 36-45, numbers of clicks are tracked over time to generate an estimated number of clicks for a given search term, this is multiplied by the cost bid for the search term to generate an estimated cost-per-click),*

It would have been obvious to one having ordinary skill in the art at the time of the invention to combine the cost-per-click and click monitoring/counting method of Cheung with the online shopping system of Cassidy because Cassidy's method provides “an advertising and promotional forum” (Cassidy column 9, line 54) and cost-per-click is an old and well known method of charging advertisers for advertising exposure in an advertising and promotional forum. The claimed invention therefore is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

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Claim 3:

The combination Cassidy/Cheung discloses the limitations as shown in the rejection above.

- *comparing the advertising costs of selling price* (see at least Cassidy column 7, lines 31-32, commission price generated based on commission rate and sales generated) *with the cost-per-click* (see at least Cheung column 23, lines 36-45, numbers of clicks are tracked over time to generate an estimated number of clicks for a given search term, this is multiplied by the cost bid for the search term to generate an estimated cost-per-click) *information and selecting a smaller value between the advertising costs of selling price and the cost-per-click information for the estimated advertising costs,*

It would have been obvious to one having ordinary skill in the art at the time of the invention to compare the two generated advertising costs and select the lower or higher cost to charge the advertiser because simply choosing to charge a lower or higher cost is a business decision that does not patentably affect the scope of the claims and because Cheung teaches that “advertisers generally want to maximize results and minimize costs” (Cheung column 3, lines 62-63). Generally charging a lower advertising cost will entice advertisers to continue their patronage, alternatively charging a higher cost will increase income. Regardless of basis for choosing the advertising cost to charge, one having ordinary skill in the art at the time of the invention could have chosen to charge the higher or lower cost and would have recognized that the results of the combination were predictable.

Claim 6:

The combination Cassidy/Cheung discloses the limitations as shown in the rejection above. Further Cheung, as shown, discloses the following limitations:

- *receiving predetermined deposit from a seller for advertising before the first predetermined period starts* (see at least column 19, line 7, prepaid account),

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- *providing the seller with outstanding balance information, the outstanding balance information being calculated by subtracting the predetermined deposit from the advertising costs for the second predetermined period (see at least column 13, lines 25-29),*
- *charging the seller's account with advertising costs for the second predetermined period based upon the estimated advertising costs (see at least column 15, line s 1-3, prepay accounts charged a predetermined amount, see also column 23, line 23, predicting future expenses based on previous advertising costs i.e. deriving the predetermined amount),*

It would have been obvious to one having ordinary skill in the art at the time of the invention to combine the advertising accounting method of Cheung with the online shopping system of Cassidy because Cassidy's method provides "an advertising and promotional forum" (Cassidy column 9, line 54) and Cheung discloses improved methods for monitoring an advertiser's account on an advertising forum. The claimed invention therefore is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Claim 7:

The combination Cassidy/Cheung discloses the limitations as shown in the rejection above. Further Cheung, as shown, discloses the following limitations:

- *receiving predetermined deposit from a seller for advertising before the first predetermined period starts (see at least column 14, lines 61-63, a fixed prepay deposit payment plan),*
- *in case that a request for termination of advertising is received from the seller within the first selling period, charging the seller's account with the received deposit for the first predetermined period (see at least column 15, line s 1-3, prepay accounts charged a predetermined amount),*

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It would have been obvious to one having ordinary skill in the art at the time of the invention to combine the advertising accounting method of Cheung with the online shopping system of Cassidy because Cassidy's method provides "an advertising and promotional forum" (Cassidy column 9, line 54) and Cheung discloses improved methods for monitoring an advertiser's account on an advertising forum. The claimed invention therefore is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Claim 11:

Cassidy discloses the limitations as shown in the rejection above. Further, Cassidy, as shown, discloses the following limitation:

- *generating advertising costs of selling price with respect to each of the sellers, by applying at least one different exemplary selling commission rate to total selling price with respect to each of the sellers during a predetermined period (see at least column 7, lines 31-32, commission price generated based on commission rate and sales generated),*

Cassidy does not specifically disclose deriving a commission rate based on generated cost-per-click information that is closest to the cost-per-click rate. However, Cheung, as shown discloses calculating cost-per-click information:

- *wherein the selling commission rate is determined to be the applied exemplary selling commission rate when the total amount of the advertising costs of selling price with respect to the plurality of sellers during the predetermined period is nearest to the total amount of the cost-per-click information with respect to the plurality of sellers during the predetermined period (see at least Cheung column 23, lines 36-45, numbers of clicks are tracked over time to generate an estimated number of clicks for a given*

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search term, this is multiplied by the cost bid for the search term to generate an estimated cost-per-click),

It would have been obvious to one having ordinary skill in the art at the time of the invention to compare the two generated advertising costs and identify an exemplary commission rate that best reflects the cost-per-click costs because the two cost calculations (commission and cost-per-click) represent the value of the same advertising opportunity and therefore should be equal; if they are not equal then the commission rate is either under- or over-valuing the advertisement. Simply evaluating the variation between cost strategies for valuing advertisements is common business practice in the art.

Claim 12:

Cassidy, as shown, discloses the following limitations:

- *maintaining a goods information database, the goods information database for storing least one search listing, the search listing including seller identification information and selling price information* (see at least column 5, line 42, "database of goods and/or services" see also Figure 7, search results listing good by price and vendor),
- *receiving a search request for goods from a searcher* (see at least column 7, line 37, "buyer can search the database"),
- *providing a search result list of the goods in response to the search request for the goods, the search result list of the goods including the search listings* (see at least Figure 7, an example of search results),
- *detecting a click-through by the searcher of one of the provided search listings for the goods* (see at least column 9, lines 51-52, "a direct transactional link is established between the product supplier and the purchaser," the system records this for order/billing, but also for compensating the system a commission on the sale),

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- *in response to the detected click-through, generating and storing click-through information and total selling price information with respect to a first selling period for each seller (see at least column 9, lines 35-36, the order is stored in user's order history),*

Although Cassidy discloses tracking customer order history and remembering shopping cart contents whether or not the customer makes a purchase, Cassidy does not specifically disclose a cost-per-click billing strategy. However, Cheung, as shown, discloses the following limitations:

- *generating predetermined advertising costs of selling price and cost-per-click information by referring to the stored total selling price information and click selection information, the total selling price information being generated by accumulating selling price information of the selected search listing, the click selection information being generated by accumulating the number of selections with respect to the search listing (see at least column 23, lines 36-45, numbers of clicks are tracked over time to generate an estimated number of clicks for a given search term, this is multiplied by the cost bid for the search term to generate an estimated cost-per-click),*
- *generating estimated advertising costs with respect to a second selling period, based on the generated advertising costs of selling price and the generated cost-per-click information (see at least column 23, lines 36-45, numbers of clicks are tracked over time to generate an estimated number of clicks for a given search term, this is multiplied by the cost bid for the search term to generate an estimated cost-per-click),*
- *providing a seller with the generated advertising costs information (see at least column 23, line 23),*

Cassidy discloses charging advertisers based on a commission rate based on sales.

Cheung discloses charging advertiser based on a cost-per-click method and discloses

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predicting based on a previous payment period future advertising charges. Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention combine the features of Cheung with the invention of Cassidy to provide alternative charging methods for advertisers and to predict advertising costs for advertisers since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Claim 13:

The combination Cassidy/Cheung discloses the limitations as shown in the rejection above. Further Cassidy, as shown, discloses the following limitation:

- *generating advertising costs of selling price by applying a predetermined selling commission rate to the stored total selling price information for each seller by referring to the seller identification information (see at least column 7, lines 31-32, commission price generated based on commission rate and sales generated),*

Cassidy does not specifically disclose cost-per-click charges. However, Cheung, as shown, discloses the following limitation:

- *generating cost-per-click information in accordance with a predetermined unit click cost based on the stored click selection information for each seller (see at least column 23, lines 31-32),*

It would have been obvious to one having ordinary skill in the art at the time of the invention to combine the cost-per-click and click monitoring/counting method of Cheung with the online shopping system of Cassidy because Cassidy's method provides "an advertising and promotional forum" (Cassidy column 9, line 54) and cost-per-click is an old and well known method of charging advertisers for advertising exposure in an advertising and promotional forum. The claimed invention therefore is merely a

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combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Claim 14:

Cassidy, as shown, discloses the following limitations:

- *maintaining a goods information database, the goods information database for storing at least one search listing, the search listing including seller identification information and selling price information (see at least column 5, line 42, "database of goods and/or services" see also Figure 7, search results listing good by price and vendor),*
- *providing the user with goods information on at least one goods (see at least Figure 7, an example of search results),*
- *receiving a selection of a user with respect to any one of goods information provided to the user (see at least Figure 19b, an example shopping cart),*
- *in response to the selection, computing total selling price information and click selection information with respect to a predetermined period for each seller (see at least column 9, lines 35-36, the order is stored in user's order history),*

Although Cassidy discloses tracking customer order history and remembering shopping cart contents whether or not the customer makes a purchase, Cassidy does not specifically disclose a cost-per-click billing strategy. However, Cheung, as shown, discloses the following limitations:

- *generating predetermined advertising costs of selling price and cost-per-click information by referring to the computed total selling price information and click selection information (see at least column 23, lines 36-45, numbers of clicks are tracked over time to generate an estimated number of clicks for a*

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given search term, this is multiplied by the cost bid for the search term to generate an estimated cost-per-click),

- *generating estimated advertising costs with respect to a second selling period, based on the generated advertising costs of selling price and cost-per-click information (see at least column 23, lines 36-45, numbers of clicks are tracked over time to generate an estimated number of clicks for a given search term, this is multiplied by the cost bid for the search term to generate an estimated cost-per-click),*
- *providing a seller with the generated estimated advertising costs (see at least column 23, line 23),*

Cassidy discloses charging advertisers based on a commission rate based on sales. Cheung discloses charging advertiser based on a cost-per-click method and discloses predicting based on a previous payment period future advertising charges. Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention combine the features of Cheung with the invention of Cassidy to provide alternative charging methods for advertisers and to predict advertising costs for advertisers since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Claim 15:

The combination Cassidy/Cheung discloses the limitations as shown in the rejection above. Further, Cassidy, as shown, discloses the following limitation:

- *computing the total selling price information by adding up the selling price of goods for each seller selected by the user during the predetermined period (see at least column 7, lines 31-32, commission price generated based on commission rate and sales generated),*

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Cassidy does not disclose cost-per-click charges. However, Cheung, as shown, discloses the following limitation:

- *computing the click selection information, which is the number of times that the user clicks goods information on goods of each seller during the predetermined period, for each seller (see at least column 23, lines 31-32),*

It would have been obvious to one having ordinary skill in the art at the time of the invention to combine the cost-per-click and click monitoring/counting method of Cheung with the online shopping system of Cassidy because Cassidy's method provides "an advertising and promotional forum" (Cassidy column 9, line 54) and cost-per-click is an old and well known method of charging advertisers for advertising exposure in an advertising and promotional forum. The claimed invention therefore is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Claim 17:

Cassidy, as shown, discloses the following limitations:

- *a goods information database, the goods information database storing a search listing including seller identification information and selling price information (see at least column 5, line 42, "database of goods and/or services" see also Figure 7, search results listing good by price and vendor),*
- *an interface, the interface receiving a search request for goods including a keyword from a searcher (see at least Figure 7, an example of search results),*
- *a list generating module, in response to the search request for goods, the list generating module abstracting at least one search listing associated with the keyword from the goods information database, the list generating module*

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generating a list of search results of goods and transmitting the same to the searcher (see at least Figure 7, an example of search results),

- *a record control module, in response to the received click selection of the searcher selecting any one search listing among the list of search results of goods, the record control module generating and storing click selection information and total selling price information with respect to a first selling period for each seller (see at least Figure 19b, an example shopping cart),*
- *a first advertising costs generating module, the first advertising costs generating module generating predetermined advertising costs of selling price and (see at least column 9, lines 35-36, the order is stored in user's order history),*

Although Cassidy discloses tracking customer order history and remembering shopping cart contents whether or not the customer makes a purchase, Cassidy does not specifically disclose a cost-per-click billing strategy. However, Cheung, as shown, discloses the following limitations:

- *cost-per-click information by referring to the stored total selling price information and click selection information (see at least column 23, lines 36-45, numbers of clicks are tracked over time to generate an estimated number of clicks for a given search term, this is multiplied by the cost bid for the search term to generate an estimated cost-per-click),*
- *a second advertising costs generating module, the second advertising costs generating module generating estimated advertising costs information with respect to a second selling period, based on the generated advertising costs of selling price and cost-per-click information (see at least column 23, lines 36-45, numbers of clicks are tracked over time to generate an estimated number of clicks for a given search term, this is multiplied by the cost bid for the search term to generate an estimated cost-per-click),*

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Cassidy discloses charging advertisers based on a commission rate based on sales. Cheung discloses charging advertiser based on a cost-per-click method and discloses predicting based on a previous payment period future advertising charges. Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention combine the features of Cheung with the invention of Cassidy to provide alternative charging methods for advertisers and to predict advertising costs for advertisers since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

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Conclusion

16. Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the Examiner should be directed to **Nathan C Uber** whose telephone number is **571.270.3923**. The Examiner can normally be reached on Monday-Friday, 9:30am-5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, **Eric Stamber** can be reached at **571.272.6724**.
17. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair> <<http://pair-direct.uspto.gov>>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866.217.9197** (toll-free).
18. Any response to this action should be mailed to:

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or faxed to **571-273-8300**.

19. Hand delivered responses should be brought to the **United States Patent and Trademark Office Customer Service Window**:

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401 Dulany Street

Alexandria, VA 22314.

/Nathan C Uber/ Examiner, Art Unit 3622
11 August 2008

/Arthur Duran/
Primary Examiner, Art Unit 3622